UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,125	03/23/2000	Masahiko Honda	053969/0120	1487

7590   11/10/2003

Foley & Lardner
Washington Harbour
3000 K Street N W Suite 500
Washington, DC 20007-5109

EXAMINER
EMDADI, MEHDI

ART UNIT	PAPER NUMBER
2663	

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/534,125	HONDA ET AL.
	Examiner	Art Unit	
	Mehdi Emdadi	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *3/23/00* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-6,14 and 15* is/are rejected.

7)☐ Claim(s) *7-13 and 16-20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3 and 4* .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 04-01)   Office Action Summary   Part of Paper No. 5

DETAILED ACTION

Objections

Contents of Specification

1. The specification is objected to because of the following informalities: The specification is replete with terms which are not clear, concise and exact. The specification describes the invention in a vague and confusing manner. The writing is filled with verboseness, spelling, grammatical, and technical errors. Examples of some unclear, inexact or verbose terms used in the specification are: "TCI/IP" (Page 1, Line 14), "a process as entire network but does not guarantee" (Page 1, Line 27), "The recent internet is apt to beyond a traffic..." (Page 2, Line 2), and a host of other grammatical errors, technically inaccurate statements, verbose, and confusing terms and phrases. Correction is required.

Abstract

2. The abstract of the disclosure is objected to because it is verbose and confusing. Correction is required. The abstract does not convey the gist of the invention. See MPEP § 608.01(b).

Claim Rejections - 35 USC 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4-6, 14, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding Claim 4, it is not clear what is being claimed and what the processing code refers to and for what purpose.

6. Regarding Claim 5, it is not clear how the process will get terminated if "irrespective of normal or abnormal of the result".

7. Regarding Claim 6, it is not clear what is being claimed as the invention as the terms Timer and counter are interchangeable in the context of the claim. Timer and Counter terms, as referenced in the Application, are used closely and interchangeablely in electronics and software designs. For a Timer, it is essential to have a Counter and inversely a Counter requires time cadences created by a Timer.

8. Regarding Claim 14, it is not understood what is meant by "at least an internet telephone protocol." Internet telephone protocols are defined in standards such as H.323, H.225.0, and the suite of SIP documents. Packet voice is an application for the Internet or any IP network.

9. Regarding Claim 15, the scope of "a period for obtaining clarity" is indefinite.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

11. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

12. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Graham-Cumming, Jr. (US Patent No. 6,182,146).

13. Regarding Claim 1, Graham-Cumming, Jr. teaches: "A system, method, ..., allowing the packets to be properly routed, counted, and reported according to their applications. " (Abstract) *(identifying an application adapting for transmission)*, "the packet analysis module applies the ports from a packet to the application-port mapping table to obtain a first application identifier." (Abstract) *(a process for routing to determine a port of transmission destination)*, "the expiration time of an application-port association is based on the timestamp of the last packet that matched the port of the association, plus a local timeout value" (Col. 4, Lines 6-9) *(setting a timer value...for the identified application)*, "If neither the application-port mapping table 104 or the application identifier module 102 is able to identify a packet, then the packet is discarded, or alternatively, passed to a default application for handling unknown packets" (Col. 7, Line 51-54) *(performing a process of abandoning a packet)*, "The system of claim 7,

wherein the packet analysis module establishes an expiration time for the new

association in the application-port mapping table, and periodically removes from

the application-port mapping table associations which have expired according to

their expiration times" (Col. 15, Lines 23-27) *(when routing process cannot be*

completed exceeding the set timer value).

14. The cited reference describes structures identical to those in claim 1 of the

Application although using different terms such as: discard in lieu of abandon,

mapping in lieu of routing, timestamp and expiration in lieu of timer value, and

application-port mapping in lieu of application adapting.

15. Regarding Claim 2, Graham-Cumming, Jr. teaches: "A system, method, ...,

allowing the packets to be properly routed" (Abstract) *(A packet transmission*

routing processing), the input to the Packet Analysis Module is labeled Raw

Packet Data which is an output from Network Packet Source (Fig. 3) *(input*

packet), Packet Analysis Module (Fig. 3) *(Parsing),* Application Identification

Module (Fig. 3) *(for identifying an application corresponding to the transmission*

of an input packet), the inclusion of timeout functions as a part of the Packet

Analysis Module (Col. 7, Lines 60-61) *(parsing and timer processing means for*

identifying an application), "The expiration times of the application-port mapping

table" (Col. 8, Lines 6-7) *(and monitoring a timer value ... for the said*

application), "Traffic for the HTTP protocol is thus identified by examining the

source or destination ports in the TCP header for the value "80". This value

identifies the packet as being a TCP packet for the HTTP protocol" (Col. 1, Lines

44-46, and Fig. 2) (on the basis of a destination address), "The system of claim

7, wherein the packet analysis module establishes an expiration time for the new

association in the application-port mapping table, and periodically removes from

the application-port mapping table associations which have expired according to

their expiration times" (Col. 15, Lines 23-27) (*and disposing the packet or*

transferring the packet to... when routing process is continued beyond the timer

value).

16. The above references and a number of functional blocks in Fig. 7 of Graham-

Cumming, Jr., including: TIMESTAPM, REMOVE EXPIRED APPLICATION

MAPS, DISCARD PACKET or PASS to DEFAULT APPLICATION convey the

same concepts and elements of the disclosure. Therefore, Graham-Cumming, Jr.

reference includes all the ingredients of Claim 2.

17. Regarding Claim 3, the dependencies on claim 2 were discussed earlier. Further,

Graham-Cumming, Jr. teaches: A network packet source block that contains the

raw packet data (Fig. 3) (*packet accumulating*), "The packet analysis module 100

decomposes this packet" (Col. 5, Lines 62-63) (*packet parsing*), "The packet

analysis module 100 passes 207 the packet to the application identifier module

102" (Col. 6, Lines 18-19) (*transferring the packet output from the packet waiting*

portion). "an expiration time for the new association ... and periodically removes

from the application-port mapping table associations which have expired" (Col.

15, 24-27) (*a monitoring timer portion outputting a time out signal upon*

termination of measurement of the timer value).
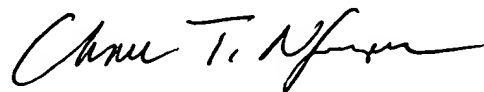
Allowable Subject Matter

18. Claims 4-6, and 14-15 would be allowable if rewritten to overcome the
rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action
and to include all of the limitations of the base claim and any intervening claims.

19. Claims 7-13 and 16-20 are objected to as being dependent upon a rejected base
claim, but would be allowable if rewritten in independent form including all of the
limitations of the base claim and any intervening claims.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Mehdi Emdadi whose telephone number is (703)
305-8709. The examiner can normally be reached between the hours of 8am
and 5pm. If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, Chau Nguyen, can be reached at (703) 308-5340. The
fax phone numbers for the organization where this application or proceeding is
assigned is (703) 872-9314 for regular communications. Any inquiry of a general
nature or relating to the status of this application or proceeding should be
directed to the receptionist whose telephone number is (703) 305-3900.

M. Emdadi

10/27/2003

CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600